

From: [Smith, Monica](#)
To: [Jennings, Kim](#)
Cc: [Broyles, Ragan](#); [Petersen, Chris](#); [Edlund, Carl](#); [Webster, Susan](#); [McQuiddy, David](#); [Phillips, Pam](#); [Coleman, Sam](#); [Taheri, Diane](#); [Gray, David](#)
Subject: background information on West response, enforcement and RMP root cause inspection scope and timeline
Date: Wednesday, June 26, 2013 11:32:00 AM
Attachments: [SENATE TESTIMONY WEST JUNE 2013.docx](#)

Kim – I am forwarding a file which contains information you may find useful in developing the testimony for tomorrow's hearing. I will send you similar information on Williams Olefins. As stated in my earlier email, we would appreciate receiving a copy of the draft testimony for our review.

WEST FERTILIZER, WEST, TEXAS

INCIDENT BACKGROUND:

On April 17, 2013 a fire and explosion occurred at the West Fertilizer plant causing 15 deaths and multiple injuries. The West Fertilizer facility contained significant amounts of anhydrous ammonia, ammonia nitrate, and other various agricultural chemicals. The explosion impacted ½ mile radius destroying residential homes, an apartment complex, a nursing home, and several schools. The explosion also impacted the City of West utilities disrupting water and power service to the community.

EPA REGION 6 RESPONSE:

EPA responded to West on the evening of April 17, 2013 along with other Federal, State, and local agencies. The following activities were part of our Emergency Response.

- **EPA Air Monitoring:** In coordination with Texas Commission on Environmental Quality (TCEQ), EPA conducted 24 hr air monitoring of the surrounding impacted areas while deploying the Airborne Spectral Photometric Collection Technology (ASPECT) aircraft to provide additional support and data collection. Air monitoring was conducted for VOCs, LELs, CO, and ammonia and resulted in early detections as high as 6-10 ppm 650 ft. downwind of the incident location. EPA 24 hr air monitoring continued for several days before being scaled back to day time operations. Generally concentrations for contaminants of concern were not observed above background. TCEQ provided air monitoring during ATF's entire on-site investigation. TCEQ's air monitoring resulted in concentrations below background with slight elevations occurring during site activities and the removal of anhydrous ammonia product from a ruptured tank on site.
- **Coordination with ATF and State Fire Marshall:** ATF deployed agents on April 18, 2013 at the request of The Texas State Fire Marshall to investigate the cause of the fire and explosion. EPA coordinated closely with ATF and the State Fire Marshall providing critical facility information and advising agents of existing environmental hazards during the course of the investigation. ATF maintained control of the site during their investigation and restricted access to ATF and State



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Fire Marshall representatives. TCEQ provided support to address environmental hazards during ATF's investigation. EPA Criminal Investigation Division (CID) and EPA NCERT worked closely with ATF agents during the course of the investigation.

- **Debris Management Plan:** Many homes, schools, and other commercial buildings would need to be demolished due to the catastrophic impact from the explosion. FEMA was requested by the City to provide assistance with a debris management plan. EPA coordinated with FEMA, state, and local agencies to ensure the proper development and implementation of the City of West's debris management plan. EPA also ensured the proper implementation of procedures in accordance with NESHAP federal regulations for building demolitions and assessments.
- **Cleanup Oversight Conducted by State of Texas:** TCEQ is currently taking the lead on providing oversight of cleanup operations. EPA continues to coordinate with TCEQ to ensure that all remaining hazards on and off site are properly addressed. TCEQ was able to stabilize offsite impacts from storm water runoff events by removing and disposing of contaminated soils.

The insurance company that provided coverage for Adair Grain/West Fertilizer Company has hired Crane Engineering to coordinate with other interested parties (insurance companies, vendors, engineers, attorneys etc.) to allow for additional inspections and coordination to reclaim items. TCEQ will oversee Crane Engineering's removal action of the ammonia nitrate, tentatively scheduled for July 12. TCEQ will maintain the lead in providing oversight and conducting potential removal actions. EPA will coordinate with TCEQ as needed.

ENFORCEMENT HISTORY

- The EPA On-line Tracking Information System (OTIS) has 3 reports for West Fertilizer. One is under the name of Adair Grain DBA West Fertilizer. There were no inspections or enforcement listed in these reports, which go back 5 years
- **2006 RMP Inspection:**
EPA Region 6 conducted a Risk Management Plan (RMP) inspection at the non-title V West Chemical & Fertilizer Co. on March 16, 2006. The inspection included a walkthrough of the plant to observe the processes and the equipment, as well as a review of the facilities RMP and associated records. The inspection was conducted by one of the Region's RMP inspectors, using the National RMP Program's Level 2 inspection checklist. The checklist used included all modifications incorporated by OECA through March 14, 2005. Violations identified by the inspector included:
 - failure to timely update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review,
 - failure to include consequences of deviation in operating procedures,
 - failure to properly document new operator training, and
 - failure to develop a formal mechanical integrity program, and failure to conduct compliance audits.

In accordance with the approved penalty policy and matrix which was in place in 2006, on June 5, 2006 the Region issued a proposed Expedited Settlement Agreement (ESA) assessing a penalty of \$2,300 to West Chemical & Fertilizer Co. West Chemical & Fertilizer submitted its updated RMP on July 7, 2006, paid the penalty and the ESA was issued final August 14, 2006.

- Aside from the fines associated with the violations noted through the 2006 RMP inspection, no other actions have been taken by EPA against this company for this facility.

RMP/ROOT CAUSE INSPECTION TIMELINE AND SCOPE:

- On April 30, 2013, the Region 6 RMP inspectors conducted a reconnaissance visit of the site. The Region understands that all records, including the RMP, were in the facility which was destroyed by the explosion. Thus, the RMP/root cause inspection will be limited to interviews of the West Fertilizer management and employees. The EPA RMP inspectors will conduct the RMP/root cause inspection and interviews once CSB and OSHA have completed their on-site investigations and interviews of West Fertilizer management and employees.
- EPA Region 6 has coordinated with CSB and OSHA throughout their investigation. All parties have agreed to share their findings. EPA RMP inspectors will review the OSHA and CSB report findings to determine if there are any additional actionable violations under CAA 112 (r). The Region understands that OSHA is on-site this week.

From: Jennings, Kim
Sent: Tuesday, June 25, 2013 10:05 AM
To: Smith, Monica; Broyles, Ragan; Mason, Steve
Subject: RE: an add'l item for Barry

Thanks!

Kim

202-564-7998

From: Smith, Monica
Sent: Tuesday, June 25, 2013 10:53 AM
To: Jennings, Kim; Broyles, Ragan; Mason, Steve
Subject: Re: an add'l item for Barry

Will get you something later today.

From: Jennings, Kim

Sent: Tuesday, June 25, 2013 9:43:02 AM
To: Broyles, Ragan; Smith, Monica; Mason, Steve
Cc: Matthiessen, Craig; Franklin, Kathy; Stanton, Larry
Subject: FW: an add'l item for Barry

Hi Ragan,

It was good talking to you and thanks for the quick update. Here is the information Barry is looking for with regards to the Boxer hearing on Thursday. As promised I have also attached the list of other folks testifying at the hearing. Finally, I have attached the Agency's response to the Boxer questions.

If you could get me something today, that would be great, but tomorrow morning also works.

Thanks,
Kim

202-564-7998

From: Fine, Ellyn
Sent: Tuesday, June 25, 2013 9:11 AM
To: Deitz, Randy; Stanton, Larry; Jennings, Kim; Matthiessen, Craig
Cc: Beasley, Lynn
Subject: FW: an add'l item for Barry

Sorry – one more thing...

From: Breen, Barry
Sent: Tuesday, June 25, 2013 9:04 AM
To: Fine, Ellyn
Subject: an add'l item

Would you ask for the same investigation “timelines and scope” info for the Geismar facility as for the West facility, since the title of the hearing specifically refers to Geismar?

From: Breen, Barry
Sent: Tuesday, June 25, 2013 8:46 AM
To: Fine, Ellyn
Subject: two add'l items to ask for

1. I need to be able to say more than current Answer #1 in our June 7th letter to Sen. Boxer. Would you ask OEM folks to call directly into Region 6 and see if I can say when (even approximately) RMP inspectors will visit the facility, and any likely facts about the visit – what we are doing now to prepare for the visit, how many days on-site would be typical, has a date already been set, what types of records we expect to request, any thing else? I'm specifically seeing she asked for “timelines and scope”, and we really haven't set that

out in our written answer.